

### REMARKS

The Office Action dated April 22, 2008 has been received and reviewed. This response, submitted along with a Petition for a Three-Month Extension of Time, is directed to that action.

Claims 1 and 7 have been amended, and claims 2, 4, 6 and 14-15 have been cancelled. Support for the amended claims can be found in claims 2, 4 and 6 as originally filed. No new matter has been added.

The applicants respectfully request reconsideration in view of the foregoing amendments and the following remarks.

#### Claim Objections

The Examiner objected to claim 14 for failing to further limit the subject matter from the claim upon which it depended. Claim 14 has been cancelled herein, thus rendering the objection moot.

#### Claim Rejections-35 U.S.C. §112

The Examiner rejected claims 1-20 under 35 U.S.C. §112, second paragraph as indefinite because the phrases "the melting point of the plasticiser" and "the melting or plastification temperature of the thermoplastic polymer" in claims 1, 5 and 18-20 lack antecedent basis. The applicants respectfully traverse this rejection.

Inherent components of elements recited have antecedent basis in the recitation of the components themselves. MPEP 2173.05(e). Indeed, it cannot be disputed that the melting point of the plasticiser and the plastification temperature of the thermoplastic

polymer are inherent features of these compositions. Therefore, the applicants submit that the phrases objected to by the Examiner do not lack antecedent basis under 35 U.S.C. §112, and respectfully request that the Examiner withdraw this rejection.

The Examiner also rejected claims 5, 7 and 18-20 for lacking antecedent basis for the terms "the material", "the extruder" and "the raw materials". The applicants submit that the present claim amendments provide proper antecedent basis, thus obviating the rejection.

The rejections to claims 14-15 under 35 U.S.C. §§101 and 112 have been obviated due to the cancellation of these claims.

#### Claim Rejections- 35 U.S.C. §102

The Examiner rejected claims 1-5, 7-12 14, and 16-20 under 35 U.S.C. §102(b) as anticipated by Zimmermann et al. (US 4,323,492). The applicants respectfully traverse this rejection.

The amendment to claim 1 incorporating the limitations of original claim 6 renders the present rejection moot. Accordingly, the applicants respectfully request that the Examiner withdraw this rejection.

#### Claim Rejections- 35 U.S.C. §103

The Examiner rejected claims 6, 13, and 15 under 35 U.S.C. §103(a) as obvious over Zimmermann et al. in view of Famili et al. (US 5,206,278). The Examiner stated that Zimmermann teaches all of the limitations of the presently claimed invention except keeping the material in the extruder at least 40°C. The Examiner reasoned that a person

of ordinary skill in the art would have found it obvious to modify the teachings of Zimmermann by adjusting the temperature in the extruder die to at least 40°C as suggested by Famili. The applicants respectfully traverse this rejection.

The presently claimed invention is directed to an extrusion process for making *pellets*. Neither Zimmermann nor Famili specifically teach a pelletizing extrusion process. Indeed, this is significant because pelletizing processes contain a plastification step that has several disadvantages associated therewith. Particularly, because heating is required, “hot” processes are generally not suitable for many polymers, including PVOH, since the temperature affects the water solubility of the polymer. Nonetheless, processes performed at lower temperatures, i.e. “cold” processes, also come with their share of problems. For example, “cold” processes make the uniform distribution of polymer powders on extrusion rollers more difficult. Additionally, the resulting pellets are commonly friable with poor integrity.

The presently claimed invention, recognizing the disadvantages in the pelletizing processing art, has surprisingly discovered that a process run at a temperature above the melting point of the plasticiser and below the melting or plastification temperature of the thermoplastic polymer, but wherein the temperature of material with the extruder is at least 40°C, produces a pellet having low friability. Indeed, the prior art does not teach or suggest that the specific temperatures of the presently claimed invention can effect the quality and integrity of the resulting pellet. Therefore, the applicants submit that a *prima facie* case of obviousness cannot be established, and respectfully request that the Examiner withdraw this rejection.

The applicants believe the claims are now in condition for allowance, and such favorable action is respectfully requested. If any issues remain, the resolution of which can be advanced through a telephone conference, the Examiner is invited to contact the applicant's attorney at the phone number listed below.

**CONDITIONAL PETITION FOR EXTENSION OF TIME**

If entry and consideration of the amendments above requires an extension of time, Applicant respectfully requests that this be considered a petition therefor. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

**ADDITIONAL FEE**

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,

NORRIS MCLAUGHLIN & MARCUS, P.A.

By M. Marin  
Mark D. Marin, Reg. No. 50,842  
Attorney for Applicant  
875 Third Avenue, 18<sup>th</sup> Floor  
New York, NY 10022  
Tel. 212-808-0700